

July 10, 2007 DRAFT

SECTION 1. Article 2, Division 8, Sec. 2.8.1.6.C, Hillside Development Zone (HDZ) is hereby amended to read as follows:

**Land Use Code
Article 2. ZONES
DIVISION 8. OVERLAY ZONES**

2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ)

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C. Flexible Lot Development (FLD). The purpose of the FLD option in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. Cluster development must meet the requirements of Sec. 3.6.1, Flexible Lot Development (FLD) project, as well as the following criteria. (See *Illustration 2.8.1.6.C.*)

1. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Sec. 2.8.1.7.
2. The FLD provision application may be used for either single-family or multi-family development. In order to apply the FLD option, the ACS of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation.
 - a. Density is regulated by the underlying zone, based on the entire area.
 - b. Individual lot boundaries may include the natural areas.

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SECTION 2. Article 2, Division 2, Section 3.2.3.1.F is hereby amended to read as follows:

**LAND USE CODE
ARTICLE 3. DEVELOPMENT REGULATIONS
DIVISION 2. DEVELOPMENT CRITERIA**

3.2.3 PRINCIPAL STRUCTURE

* * *

3.2.3.1 RESIDENTIAL DEVELOPMENT DESIGNATOR

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F. *Flexible Lot Development (FLD) Density Matrix.* The following development regulations apply to FLD projects. Alternative A is for FLD projects that are to be developed without a density bonus. Pursuant to Sec. 3.6.1.2.B.2, Development Alternative B provides for a density bonus above the density permitted by the underlying zoning for non-FLD projects.

FLD Designator	Zone	Development Alternative	Allowable Density	Building Height	Perimeter Yard*
FLD-1	SR	A	0.25	30'	BB
FLD-2	RX-1	A	1.00	30'	BB
FLD-3	RX-2, SH	A	2.25	25'	BB
FLD-4	R-1, MH-1	A	5.14	25'	BB
		B	6.25	25'	BB
FLD-5	MH-2	A	8.00	25'	BB
		B	15.00	25'	BB
FLD-6	R-2	A	8.71	25'	BB
		B	22.00	25'	BB
FLD-7	R-3	A	36	40'	CC
		B	44	40'	CC
FLD-8	O-3	A	22.00	25'	BB
FLD-9	C-1	A	36.00	25'	CC
FLD-10	C-2	A	44.00	40'	CC

This table is also located in Sec. 3.6.1.4.G of the FLD regulations.

*Refer to Sec. 3.2.6

* * *

SECTION 5. Article 3, Division 2, Section 3.2.10 is hereby amended to delete Section 3.2.10.2.D.

SECTION 6. Article 3, Division 6, Section 3.6.1 is hereby amended to read as follows:

Land Use Code Article 3. DEVELOPMENT REGULATIONS

DIVISION 6. DEVELOPMENT INCENTIVES

3.6.1 FLEXIBLE LOT DEVELOPMENT (FLD)

3.6.1.1 Purpose The purpose of the Flexible Lot Development (FLD) option is to provide greater flexibility and creativity in the design of clustered residential development by:

- A. Providing incentives to achieve community goals, such as historic and archaeological preservation, preservation of natural vegetation, barrier-free housing, development within low-income areas, and in-fill housing projects.
- B. Implementing the goals and objectives of the *General Plan*.
- C. Consolidating open space and providing for visual, and where achievable, physical connections to open space areas on adjacent properties.
- D. Efficiently using land and public facilities by means of a more economical arrangement of buildings, circulation systems, land uses, and utilities.
- E. Preserving to the greatest extent possible existing environmentally sensitive areas and landscape features and amenities, such as significant topography, protected peaks and ridges, natural vegetation, washes, riparian areas and floodplains, and integrating such features with structures and other improvements.
- F. Permitting flexible residential lot development in exchange for the preservation of natural open space and active and passive recreational amenities on the site.
- G. Providing usable and suitably located recreation facilities and other public and common facilities.
- H. Coordinating architectural styles, building forms, and building relationships within the development and with surrounding land development.
- I. Encouraging high-quality development within the city.

3.6.1.2 Applicability

- A. The provisions of this Section apply only to residential development as follows:
 - 1. *Standard FLD*. FLD projects may be developed without a density bonus in the following zones as follows:

- a. Single-family detached residential development in the SR, SH, RX-1, and RX-2 zones;
 - b. Single-family residential development, attached or detached, in the R-1, MH-1, and MH-2 zones; and
 - c. Single-family attached or detached, and multifamily residential development in the R-2, R-3, O-3, C-1, and C-2 zones.
 - 2. *Density Bonus*. FLD projects may be developed with a density bonus pursuant to Sec. 3.6.1.2.B.2 in the following zones:
 - a. Single family residential development, attached or detached, in the R-1, MH-1, MH-2 and R-2 zones; and
 - b. Multi-family residential development in the R-2 and R-3 zones.
- B. *FLD Alternatives*. Residential development is permitted using the FLD provisions under one (1) of the two (2) following alternatives:
- 1. *Standard FLD*. A residential project that does not increase the density permitted by the underlying zone may use the FLD provisions, subject to the development criteria listed in Sec. 3.6.1.4. 5. and 6.
 - 2. *Density Bonus Option*. Subject to the development criteria listed in Sec. 3.6.1.4. 5. and 6., an FLD site meets at least one (1) of the following development options may increase the density permitted by the underlying zone, up to the maximum density shown for the Development Alternative B in Table Sec. 3.6.1.4.G. for the zone.
 - a. *Low Income Housing*. A minimum of ten (10) percent or more of the project's total number of units are constructed as low-income housing. Of the ten (10) percent, one-third (1/3) must contain three (3) or more bedrooms. The remaining units must contain two (2) or more bedrooms.
 - b. *Housing for the Physically Disabled*. A minimum of ten (10) percent of the total number of units are designed and constructed for use by physically disabled persons in conformance with the applicable standards in *Accessible and Useable Buildings and Facilities*, ANSI Standard A117.1. If this option is used, at least one (1) of the required off-street parking spaces for each of these units shall be located within twenty-five (25) feet of the unit, constructed and designated as parking for physically disabled persons in compliance with City standards, with access to the unit via an accessible route.

- c. *FLD for the Elderly.* The entire project is designed and constructed only for the elderly, persons. If this option is used, a covenant shall be recorded for the project site stating that the housing is restricted for use only by the elderly.
- d. *Historic Preservation.* The project includes preservation of a historic site, structure, or landmark or leads to the preservation or scientific study and archaeological documentation of prehistoric or historic buildings or sites, in accordance with the criteria listed in Development Standard 2-10.0. Features eligible for use of this option are those identified in the required archaeological study as meeting the criteria for in Development Standard 2.10.4. One unit is permitted for the equivalent of the typical lot area of the proposal that is set aside.
- e. *Additional Open Space.* The project preserves in a natural state at least fifteen (15) percent more natural features in area than are required to be preserved by other sections of the Tucson Code. These natural features include, but are not limited to, vegetation, washes, and topography.
- f. *Proximity to Arterial Street.* The project is located on a designated arterial street near transit facilities, and the project density does not conflict with any applicable area or neighborhood plan. Under this option, all additional dwelling units must be located only within the area of the project that is within fourteen hundred (1400) feet of the arterial street. A paved pedestrian pathway is required connecting the portion of the project area that is within fourteen hundred feet (1400) to the arterial street.
- g. *Trail or Wildlife Corridor Dedication.* The FLD provides for dedication of trails or wildlife corridors, or both, that connect to offsite trails and wildlife corridors as approved by the Parks and Recreation Department. If the offer to dedicate is accepted by the City, one (1) additional dwelling unit is permitted for each acre of land dedicated under this section, up the maximum density permitted in Table 3.6.1.4.H for the zone.

3.6.1.3 FLD Review and Approval

- A. *Projects with a Gross Site Area of Five Acres or Less.* FLDs for sites that are five (5) acres or less are reviewed and considered for approval in accordance with Development Compliance Code, Sec. 23A-33 and Sec. 23A-35. The Design Review Hearing Examiner will review projects in compliance with Section 5.1.12, and when applicable, Sections 3.6.1.6.E and 3.6.1.5.A.1. *[Note: This section is being written. Its key elements*

include a neighborhood meeting, a staff review of submittal, an approval/denial by a Design Review Hearing Examiner, a mailing regarding the DHRE's decision to surrounding neighbors, and an appeal process of the the DHRE's decision to the Zoning Examiner.]

- B. *Projects with a Gross Site Area of More than Five Acres.* FLDs of more than five (5) acres are reviewed and considered for approval in accordance with Development Compliance Code Sec. 23A-33 and Sec. 23A – 35 Flexible Lot Development.

3.6.1.4 General Development Criteria

- A. *Applicability of General LUC Requirements.* Except as permitted in this Sec. 3.6.1, all applicable development and performance criteria of the LUC and the applicable development standards apply to an FLD.
- B. The FLD must be consistent with the design policies and criteria of the *General Plan* and any applicable adopted area and neighborhood plans.
- C. *Plat or Development Plan Required.* A tentative and final subdivision plat or development plan (if a plat is not required) is required for all FLD projects. Further division of land or re-subdivision within an approved FLD is prohibited without the following:
 - 1. Written notice to all property owners of record within the boundaries of the FLD; and
 - 2. Written approval of the Mayor and Council.
- D. *FLD Site Design Plan Required.* The applicant shall submit a conceptual plat and FLD site design plan to show compliance with the FLD requirements. The applicant may submit a tentative plat concurrently. At a minimum the FLD site design plan shall:
 - 1. Identify the location and area of all environmentally or culturally significant features on the site, including but not limited to designated peaks and ridges, washes and riparian areas, native plants and plant communities, areas near public preserves, wildlife habitat areas, biological corridors, sloped areas in excess of fifteen percent (15%) slope, and sites of archaeological and cultural value. Slopes will be evaluated as to their safety, affects on drainage and riparian areas, and overall significance to the entire project area.
 - 2. Demonstrate in a mitigation plan how the design of the FLD provides for appropriate buffers and edge transitions from adjoining residential uses as required by Sec. 3.6.1.5.A.

3. Demonstrate how the FLD complies with the design requirements of Sec. 3.6.1.6.E and the design requirements, if any, of the General Plan and any applicable area or neighborhood plan.
 4. Show the location of all proposed open space areas and any adjoining public preserves or open space areas of environmentally or culturally significant features.
 5. Identify where opportunities exist to connect open space provided within the FLD to contiguous open space areas off-site; and
 6. Demonstrate how the FLD is designed to provide perimeter areas that relate to, and where legally possible, connect to existing open space areas located on surrounding properties.
 7. Provide a recreation plan showing the location area, and type of recreational facilities that are proposed for the FLD project.
- E. *Project Amenities and Site Improvements.* Project amenities include, but are not limited to, open space, natural areas, common areas, and recreation facilities. Site improvements include, but are not limited to, streets, curbs, sidewalks, parking areas, and utilities. If an FLD is not developed in phases, all amenities and improvements must be completed concurrently with any residential units that are to be served by the project amenity and site improvement. If an FLD is developed in phases, construction of project amenities and improvements must comply with Sec. 3.6.1.8.C.
- F. *Open space requirements.*
1. *Type 1 Sites.* Type 1 sites are those where thirty (30) percent or more of the site consists of areas of environmentally or culturally significant features. Residential units shall be clustered on the site in small groupings of two (2) to ten (10) units in order to minimize the alteration of natural features, natural vegetation and topography of the site, and to reduce disturbed areas, impervious surfaces, utility extensions and roadways.
 2. *Type 2 Sites.* Type 2 sites are those that have been previously developed or graded or sites where less than thirty (30) percent of the site consists of environmentally or culturally significant features. Lots on these sites may be clustered to preserve remaining areas environmentally and culturally significant features, or distributed on the site in groupings of any size.

3. Areas with environmentally and/or culturally significant features, as identified in the FLD site design plan, shall be left undeveloped and permanently conserved as natural open space except when connectivity of infrastructure is required and is designed to have the least impact.
4. Natural open space may include non-motorized trails as approved by the Parks and Recreation Department.
5. All developed areas of an FLD site that are not within the boundaries of a private lot shall be designated as common area open space. Except land that is dedicated for public recreational use under Sec. 3.6.1.5.H.4, the site area of an FLD that is designated for open space and recreational amenities shall be commonly owned and for the use of the residents of the FLD.
6. All areas within a designated floodplain shall be preserved as open space. Where the floodplain is undisturbed, it shall be designated natural open space.
7. *Adjoining Open Space Areas.* Where the project is located near a public preserve, or can provide connections to open space areas or areas of environmentally or culturally significant features, the open space shall be configured in a manner to preserve this connectivity.
8. *Configuration and Location of Open Space within an FLD Project.*
 - a. Open space must be configured to the greatest extent practical as large contiguous areas, and not divided into fragmented, small open space areas scattered across the site except for trails or pathways connecting on-site and off-site open space or recreational amenity areas.
 - b. Open space shall be located so as to be conveniently accessible to and usable by the maximum number of the residential units on the site.

G. *Recreational Amenities.*

1. FLD projects shall provide for consolidated, commonly owned recreation amenities that are conveniently located, designed for, and accessible to all residents of the FLD.
2. Recreational amenities may include natural or functional open space, such as landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenity; nature trails;

exercise trails; open playgrounds, such as baseball, multi-use; picnic areas and facilities; recreation areas and facilities, such as swimming pools, tennis courts; and golf courses. The types of recreational amenities provided shall be approved by the Parks and Recreation Department director appropriate for the mix of residents for which the FLD project is designed.

3. For projects five (5) acres or less, the common area should be designed to the greatest extent possible to provide edge transition buffering adjacent to existing residential development of similar or lower density, internal visual relief or shade, and recreational amenities such as walking paths and small recreational areas. The Design Review Hearing Examiner shall review a project's common area for its practical attainment of these objectives.
 4. For projects greater than 5 acres, the greater of the following shall be set aside as commonly owned recreational amenities:
 - a. Twenty-five (25) percent of the total area of the open space, common area within the FLD site; or
 - b. An area that is equal to five hundred (500) square feet per dwelling unit in the FLD project.
 5. Recreational amenity requirements may be met by dedicating an area as public parks subject to approval by the Park and Recreational Department.
 6. The area of a floodplain or trail that is dedicated to, and accepted by a public entity for riparian preservation, trail system, or other public use may be counted towards the recreational amenity requirement of this section.
 7. Detention and retention basins within an FLD shall be designed as recreational open space by incorporating the Multiple-Use Concepts and Aesthetic Design Guidelines in Chapter IV of the Stormwater Detention/Retention Manual, and in accordance with Sec. 3.7.4.3 and Development Standard 10-01.0.
- H. *Reduction of Lot Sizes.* Within an FLD site, individual lot sizes may be reduced from the minimum lot size required by the zoning classification, subject to the minimum lot size requirements of Sec.3.6.1.6.B.
- I. *Calculation of Maximum Unit Yield.* Except where a density bonus is permitted under Sec. 3.6.1.2.B.2, the maximum number of dwelling units permitted for an FLD site is calculated as follows:

1. Measure the gross area of the proposed FLD site in acres and tenths of an acre.
 2. To determine the net area to be used to calculate the maximum FLD density, subtract from the gross area the area of floodplain property as described in Chapter 26, Division 1, Floodplain and Erosion Hazard Area Regulations, of the LUC.
 3. Multiply the maximum allowable density for the applicable zoning district times the net area in acres as set forth in Table 3.6.1.4.G.
 4. The resulting number of units derived from the calculations above is rounded to the nearest whole number to determine the maximum unit yield for the FLD site, with .5 rounded up to the nearest whole number.
 5. The maximum unit yield is the calculation of the maximum number of units that may be permitted on the proposed FLD site, but not the actual number of units that may ultimately be approved for the site. Physical conditions on the proposed FLD site, and other factors relating to the site and its location may reduce the actual number of units below the maximum unit yield.
- J. *Flexible Lot Design (FLD) Project Density Matrix.* The regulations in Table 3.6.1.4.G below apply to FLD projects. Alternative A is for standard FLD projects that are to be developed without a density bonus. Development Alternative B provides for a density bonus pursuant to Sec. 3.6.1.2.B.2.

Table 3.6.1.4.G*.

FLD Designator	Zone	Development Alternative	Allowable Density	Building Height	Perimeter Yard*
FLD-1	SR	A	0.25	30'	BB
FLD-2	RX-1	A	1.00	30'	BB
FLD-3	RX-2, SH	A	2.25	25'	BB
FLD-4	R-1, MH-1	A	5.14	25'	BB
		B	6.25	25'	BB
FLD-5	MH-2	A	8.00	25'	BB
		B	15.00	25'	BB
FLD-6	R-2	A	8.71	25'	BB
		B	22.00	25'	BB

FLD-7	R-3	A	36	40'	CC
		B	44	40'	CC
FLD-8	O-3	A	22.00	25'	BB
FLD-9	C-1	A	36.00	25'	CC
FLD-10	C-2	A	44.00	40'	CC

This table is also located in Sec. 3.6.1.4.G of the FLD regulations.

*Refer to Sec. 3.2.6

3.6.1.5 Site Specific Development Criteria

A. *Transition Edge Treatment and Mitigation for Adjacent Properties.* An FLD must be designed to buffer adjoining residential properties from the potentially adverse impacts caused by service areas, entrances, exits, yards, balconies, courts, landscaping, lighting, or noise-producing activities.

1. *Design Transitions.*

- a. FLD edge transitions shall preserve adjoining residential properties privacy through buffering and screening elements.
- b. Design characteristics of the existing single family structures along the same block frontage and the block frontage across the street should be incorporated into the design of the FLD project so that it is compatible with and complementary to the surrounding structures.
 - (i) Transition design features include such elements as building height, mass and scale, similar setbacks, similar building orientation.
 - (ii) Where the existing single family structures have the same type of registered historical significance, the transition design features should incorporate the historical design features into modern design.
 - (iii) If the FLD is proposed on a corner lot, the design of the FLD must be compatible with or complementary to the design characteristics of existing residential development on the opposite corner lots.

2. *Privacy*

- a. Dwelling units that abut an existing single story detached residential development shall be single story.
- b. Where a single-family detached FLD project adjoins existing single-family detached residential development and where the lot sizes of the FLD project are smaller than the adjoining existing residential development, the buffer yard shall be designed to provide adequate screening for privacy mitigation.
- c. Where a single-family attached or multi-family project adjoins existing single-family residential development along the FLD perimeter, the FLD must provide a buffer using one (1) or more of the following. The Director of the Department of Urban Planning and Design shall determine which requirements will apply, based upon the character of the existing adjoining development.
 - (i). A six (6) foot high wall; or,
 - (ii). At a minimum, a ten (10) foot landscaped buffer

B. Landscaping, Screening and Wall Requirements.

- 1. All areas of an FLD project site, except those that fit under the definition of site coverage, or are designed for the exclusive use of individual residents, or are designated as Natural Open Space or Natural Undisturbed Open Space shall be landscaped in compliance with Sec. 3.7.0 Landscaping and Screening Regulations.
- 2. All interior streets of the proposed subdivision shall include a landscaped area containing one (1) fifteen-gallon canopy tree spaced no more than sixty (60) feet apart, and planted as follows:
 - a. Within a central median within the right-of-way; or
 - b. No more than ten (10) feet from the back of the sidewalk and within a public right of way or the right-of-way of a common area private street; or
 - c. Where it is not possible to locate canopy trees within the right-of-way, one canopy tree shall be planted within the first ten feet of the front yard of every other private lot measured from the property line.
- 3. Landscape plans shall incorporate water-conserving design as defined in Sec. 3.7.4 and as described in Development Standard 2-06.0.

4. Water harvesting techniques shall be incorporated as part of the landscape design based on the *Water Harvesting Guidance Manual* prepared for the City of Tucson Transportation Department Stormwater Section.
 5. Garbage Receptacles.
 - a. Community dumpsters within subdivision shall be placed no less than fifty (50) feet from adjacent residential uses and zones and screened with a minimum six- (6) foot high wall constructed of masonry or other equally durable material.
 - b. Subdivisions using a common community area(s) to place individual rollout receptacles must require that the receptacles be stored on the individual property and only placed at the pick-up site on their designated trash pick-up day.
 6. Mechanical equipment, utility boxes, irrigation equipment and similar elements shall be screened from adjacent streets exterior to the project and from adjacent existing residential development. Screening shall be architecturally integrated with the overall design of the FLD.
 7. Any required or proposed masonry walls shall be constructed of, or painted with, graffiti-resistant materials. The base of a screen wall shall be landscaped to soften the appearance of the wall. Walls shall incorporate one or more of the following decorative materials:
 - a. tile;
 - b. stone;
 - c. brick;
 - d. textured brick/block; or
 - e. a case-textured material such as stucco or plaster.
 8. FLD mobile home projects are considered mobile home parks for the purposes of applying landscaping and screening requirements.
- C. *Perimeter Yards Along Site Boundaries.* Perimeter yard width requirements along site boundaries are based on the zoning classification of the adjoining property, as shown in the Perimeter Yard Table 3.6.1.5.C.

Perimeter Yard Table*

Perimeter Yard Indicator	OS – SR	SH – RX-2	MH-1, MH-2, R-1, R-2	MU, PAD, R-3	All Office & Commercial Zones, OCR-1, & OCR-2	All Industrial Zones
BB	25'	20'	10' or $\frac{3}{4}$ (H)	10' or $\frac{3}{4}$ (H)	(H)	(H)
CC	25'	20' or (H) *	10' or $\frac{3}{4}$ (H)*	10' or $\frac{3}{4}$ (H)*	(H)	(H)

*The greater of the two dimensions prevails.

(H) = Height of proposed exterior building wall.

$\frac{3}{4}$ (H) is read: Three-quarters the height of the proposed exterior building wall.

*This table is an excerpt from the Street Perimeter Yard Width Matrix in Sec. 3.2.6.4.

D. Street Perimeter Yard. The required street perimeter yard width is in accordance with Sec. 3.2.6.5, unless special zoning requirements dictate a greater distance or different point of measurement.

E. Parking. In addition to applicable regulations in Sec. 3.3.0, Motor Vehicle and Bicycle Parking Requirements, of the *LUC*, the following development criteria apply:

1. Required parking spaces may be located within the individual lots, in common parking areas, on-street within the FLD site, or on-street parking outside the FLD site if the on-street parking complies with the requirements of Sec. 3.3.7.1.E of the Motor Vehicle and Bicycle Parking Requirements.
2. Streets within or outside the FLD site for which required on-street parking is proposed must be designed with parking lanes to accommodate the proposed parking. For on street parking on streets not located within the FLD site, only those parking spaces located on the portion and side of the street abutting the FLD site may be counted toward the FLD parking requirements.
3. All visitor parking shall be located on-street or in common areas so that no individual unit served by a common area or on-street parking is more than

one hundred and (150) feet from the common area or on-street parking area.

4. Within the interior of an FLD, alleys may be used to access parking areas subject to the following requirements:
 - a. An alley abutting an existing residential development shall not be used for parking access.
 - b. The alley must be a minimum of sixteen (16) feet wide or wider, as determined by the Department of Transportation, and must be paved and include curbs.
5. Common area parking must meet all of the following requirements:
 - a. No more than sixty (60) parking spaces may be located in any single outdoor common parking area.
 - b. Common parking areas must be separated by a minimum of thirty (30) feet, by intervening buildings, or landscaping or both.
 - c. The same PAAL may provide access to two (2) or more common parking areas.
 - d. Common parking areas must comply with the design criteria in Development Standards 2-06 for landscaping, 3-05 for vehicular use areas and requirements of Sec. 3.7.0 of the LUC for landscaping.

F. Circulation and Connectivity.

1. The right-of-way and pavement widths for internal ways, common parking areas, streets, roads, or other means of vehicular circulation and for surface drainage serving the FLD shall be in conformance with Sec. 3.3.7 and Development Standard 3-01.0.
2. Every FLD shall have a pedestrian circulation system connecting all elements of the FLD including the residential units and recreational amenities. The system shall be physically separated from the vehicular circulation system, except where the system intersects a PAAL or street.
3. Interior pedestrian sidewalks shall connect to sidewalks on abutting streets and to abutting commercial and recreational facilities.
4. Bus turn-out lanes and bus waiting shelters must be provided if requested by the City.

5. Barrier Free Access, as defined in Sec. 6.2.2.B, shall be provided as follows:
 - a. Barrier-free access must be provided to twenty-five (25) percent of the ground floor units and all common use areas, including parking areas within the FLD.
 - b. Pedestrian paths must be constructed as physically disabled accessible, and constructed of all-weather materials such as asphaltic concrete or concrete. Decomposed granite may be used only if both hard and soft surface paths are planned.
 - c. Trails within open space areas must be connected to the pedestrian paths of the FLD by a minimum five (5) foot wide path that is physically disabled accessible, and constructed of all-weather materials.
6. Trails that have current or future linkages to other trails, open space areas or recreation areas shall be provided as determined by the City Parks and Recreation Department.
 - a. Trails must be constructed in compliance with the design criteria established for trails by the City of Tucson Parks Department and Pima County Parks Department.
 - b. Hard and soft surface paths, when required, must have a separation that is no less than five (5) feet in width to allow for landscaping that does not interfere with the paths.
 - c. Proposed trails that cross drainage ways must be constructed to allow use of the trail during a ten (10)-year flow.

C. Terrain and Grading.

1. For property within the HDZ, sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as Natural Open Space and designated as common area. See Sec. 2.8.1.6.C. for additional requirements for FLD projects within the HDZ.
2. Areas of the site protected in their natural state by ERZ, WASH, or NPPO regulations shall be delineated and set aside as either as Natural Open Space, or Natural Undisturbed Open Space as required by these regulations.

3.6.1.6. Individual Lot Development Criteria

A. Within an FLD, the lot size permitted in the zoning district may be reduced, subject to the limitations in Sec. 3.6.1.6.B and C.

B. *Minimum Lot Sizes.*

1. Minimum lot sizes may vary from the original zone except in SR and RX-1.

- a. Lots in the SR and RX-1 zones must contain a minimum of 18,000 square feet.
- b. All lots developed with a septic tank must contain a minimum of one (1) acre.

C. *Lot Coverage.* Permitted lot coverage, as defined in Sec. 3.2.9, for lots within an FLD must conform to the lot coverage limits in the underlying zoning.

D. *Perimeter Yards Within Site Boundaries.* Within site boundaries, the perimeter yard requirements are as follows:

1. Along interior street lot lines, street perimeter yards are required, in accordance with Sec. 3.2.6.5. The Development Services Department Director may administratively authorize reduced setbacks, if the Director finds that the reduced setback enhances the architectural design or the vehicular circulation in the FLD and does not significantly reduce privacy of adjacent residences.
2. Along parking area access lanes (PAALs), setbacks are as required in Development Standard 3-05.2.2.B.

E. *Architectural Design.*

1. Architectural design of an FLD project shall comply with the design criteria in the applicable adopted neighborhood and area plans.
2. To provide architectural diversity, variations in color, finished materials, massing and rooflines, orientation of units, garages and porches, and similar architectural treatments shall be used to add visual interest and architectural character to the FLD and to avoid monotony in architectural design.
3. An FLD project shall include at least three different architectural models shall be provided. A “different architectural model” refers to a residential unit that has at least three of the following: different building footprint

orientation, building elevation, garage placement, roof type or architectural style.

4. Within the interior blocks of an FLD, at least two different models shall be included on a block of four or more dwellings.
5. Along an external row of units that abut a public street designated as a collector or arterial street in the Major Streets and Routes Plan, FLD projects must comply with all of the following:
 - a. If more than three units on individual lots are located in alignment along a designated street, three different models must have a variety of appearances of model elements from the street view and of that the same model is not repeated more often than every fourth lot with the following exceptions:
 - (i) The Director of Urban Planning and Design may waive this requirement if the front of the houses face a sidewalk area or street median that is landscaped with trees of a similar density to that required in Sec. 3.6.1.5.B.2.;
 - (ii) A fourth unit in the row is oriented on the lot at an angle of least 45 degrees or more from the building orientation of the abutting units.
 - (iii) A break with thirty (30) feet of open space area or greater occurs between dwellings; or
 - (iv) A dwelling in the row abutting the street is oriented on the lot at an angle of least 45 degrees from the uniform building orientation of the abutting units.
 - b. If more than three units on individual lots are located in alignment along a street, three different models must be used, and the models must be varied so that the same model is not repeated more often than every fourth lot. The Director of Urban Planning and Design may waive this requirement if the front of the houses face a sidewalk area or street median that is landscaped with trees of a similar density to that required in Sec. 3.6.1.5.B.2.
 - c. No more than fifty (50) percent of the units throughout the FLD may be designed with front loaded garages. For purposes of this section, "front load garages" refers to units where the garage faces the street and the front wall of the garage protrudes from or is flush with the front wall of the living area or front porch of the house. No more than two (2) abutting units may use the same garage placement configuration.

6. The architectural design requirements of Sec. 3.6.1.6.E.5 do not apply to residential units that are:
 - a. On lots that are larger than ten thousand (10,000) square feet in size;
or
 - b. In an FLD that contains fewer than twenty (20) residential units.
7. The applicant for an FLD shall certify compliance with the architectural design requirements of this section on the FLD plan.

3.6.1.7 Management of Common Properties

The subdivision plat will provide for all common areas through the homeowner's association or joint and several liability of all property owners.

3.6.1.8 FLD Phasing Requirements An FLD may be constructed and developed in phases; however, the FLD shall be considered a single project for purposes of allowable densities, open space, common areas, hydrology, and grading, if all of the following conditions are met.

- A. The entire FLD must be platted as one (1) project, as setbacks and other FLD requirements are based on the entire FLD site. If the FLD is platted in phases, then each phase must comply with requirements as a separate project, including the following:
 1. Homeowners' association documentation must allow for the annexation of future phases if designed to work as one (1) project.
 2. If access to future phases is designed to be through the phase being platted, right-of-way easements or other acceptable legal instruments shall be provided on or with the plats and homeowners' association documents.
- B. If the FLD contains common areas, the entire FLD shall be subject to an overall set of comprehensive conditions, covenants, and restrictions that establish the character of the development and create an overall homeowners' association. This association must meet all criteria listed in Sec. 3.6.1.7. If the documentation for the overall homeowners' association does not indicate responsibility for each phase within the FLD, then the excluded phase shall have its own homeowners' association which will be responsible for owning and maintaining any common area, open space, natural area, or recreation area within the phase.

- C. The developer must submit a document to show how the project amenities and site improvements will be developed in proportion to the number of residential units developed. The site improvements must be designed to function independently for each phase and as each new phase is added. Such project amenities and site improvements shall be located adjacent to or within developed or developing phases and on property that is abutting or physically connected to the residential development in order to provide access between the amenity and the development it serves.
- D. At no time during the construction of the FLD shall the number of constructed residential units per acre of developed land exceed the overall density for the land area in each phase and as approved by the recorded plat.

SECTION 4 Article 6, Division 2, Sec. 6.2.4-D, is hereby amended to delete the definition of “Developable Area.”

ARTICLE 6 DEFINITIONS

DIVISION 2. LISTING OF WORDS & TERMS

6.2.3 DEFINITIONS – C

Cluster or Clustering. A site planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used for recreation, open space, or preservation of features or structures with environmental, historical, or other significance. Common area open space. See Open space, common area.

6.2.4 DEFINITIONS - D

SECTION 5. Article 6, Division 2, Sec. 6.2.3.C, Sec. 6.3.6.F, Sec. 6.2.14.N and Sec. 6.2.15.O are hereby amended to add new definitions, to read as follows:

6.2.6 DEFINITIONS – F

Flexible Lot Development. The techniques used to concentrate buildings on a site by allowing for reductions in lot size and flexibility of lot shape dimension and location with the resultant open space being devoted by deed restrictions for one or more uses, such as natural open space and passive and active recreation areas.

Functional open space. See Open space, functional.

6.2.14 DEFINITIONS – N

Natural open space. See Open space, natural.

6.2.15 DEFINITIONS – O

Open space, common area. The portion of a site that is set aside in perpetuity as open space, commonly owned and maintained by the residents of a development through a homeowners organization, and designated for the benefit of and enjoyment by all the residents of the development. Rights-of-way are not included in open space and/or common area calculations.

Open space, functional. Open space that is a designed element of the development and has a functionally described and planned use as an amenity for the direct benefit of the residents of a development, with not more than three percent of man-made impervious surface within such designated areas. Examples include landscaped areas which provide visual relief, shade, screening, buffering and other environmental amenity; nature trails; exercise trails; open playgrounds, such as baseball, multiuse; picnic areas and facilities; recreation areas and facilities, such as swimming pools, tennis courts; and golf courses.

Open space, natural. Any area of land, essentially unimproved and not occupied by structures or man-made impervious surfaces, except pedestrian and non-motorized access trails, that is set aside, dedicated or reserved in perpetuity as a preservation conservation area for public or private enjoyment.

Section 6 All references to” Residential Cluster Project (RCP)” or “RCP” in the LUC, Development Standards, Planning Documents, and in any and all other City plans and regulations are hereby changed to refer to the “Flexible Lot Development (FLD)” or “FLD” option, as appropriate.